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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FEB 27 2009

AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES OF AMERICA : Hon. Anne E. Thompson
v. : Criminal No. 08-98 (AET)
JONATHAN SOTO : ORDER

This matter having come before the Court on the motions *in limine* of the United States, by Ralph J. Marra, Jr., Acting United States Attorney (David A. Bocian and Hope S. Olds, Assistant U.S. Attorneys, appearing) to (i) introduce evidence of prior statements by defendant Jonathan Soto about having accepted corrupt payments prior to the period charged in the Second Superseding Indictment; (ii) introduce evidence of drug use by defendant Jonathan Soto both prior to and during the period of time charged in the Second Superseding Indictment; (iii) preclude cross-examination about prior criminal convictions of a government witness; (iv) preclude cross-examination on unsubstantiated, third-party allegations against a government witness; (v) require defendant Jonathan Soto to meet his burden of production with respect to the defense of entrapment; (vi) preclude defendant Jonathan Soto from arguing that the United States must prove, to rebut an entrapment defense, what evidence of predisposition it possessed prior to approaching defendant Jonathan Soto; (vii) preclude defendant Jonathan Soto from, in the form of the entrapment defense, making claims of alleged outrageous government conduct or alleged selective prosecution;

and (viii) preclude defendant Jonathan Soto from cross-examining law enforcement witnesses on the Federal Bureau of Investigation's policies regarding the use of undercover operations; and the Court having considered the arguments of counsel and having heard argument on the record,

IT IS on this _____ day of February, 2009, hereby

ORDERED that the United States' motion *in limine* to introduce evidence of prior statements by defendant Jonathan Soto about having accepted corrupt payments prior to the period charged in the Second Superseding Indictment is GRANTED;

ORDERED that the United States' motion *in limine* to introduce evidence of drug use by defendant Jonathan Soto both prior to and during the period of time charged in the Second Superseding Indictment is GRANTED;

ORDERED that the United States' motion *in limine* to preclude cross-examination about prior criminal convictions of a government witness is unopposed by defendant Jonathan Soto and is GRANTED;


ORDERED that the United States' motion *in limine* to preclude cross-examination on unsubstantiated, third-party allegations against a government witness is GRANTED;

ORDERED that the United States' motion *in limine* to require defendant Jonathan Soto to meet his burden of production

with respect to the defense of entrapment is unopposed by defendant Jonathan Soto and is GRANTED;

ORDERED that the United States' motion *in limine* to preclude defendant Jonathan Soto from cross-examining law enforcement witnesses about the Federal Bureau of Investigation's policies regarding the use of undercover operations is GRANTED; and

ORDERED that the United States' motion *in limine* to preclude defendant Jonathan Soto from arguing that the United States must prove, to rebut an entrapment defense, what evidence of predisposition it possessed prior to approaching defendant Jonathan Soto is DENIED AS MOOT, as counsel for the defendant has represented that he will not make such arguments to the jury.


HON. ANNE E. THOMPSON
United States District Judge